

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

3 IN THE MATTER OF, Case No. 13-53846
4 CITY OF DETROIT, MI Detroit, Michigan
November 18, 2015
_____/ 4:41 p.m.

5
6 IN RE: FURTHER HEARING REGARDING OBJECTION TO CLAIM NUMBER
3451 OF KIM SPICER
7 BEFORE THE HONORABLE THOMAS J. TUCKER
TRANSCRIPT ORDERED BY: ROBIN WYSOCKI

8 APPEARANCES:

9 For the City of Detroit RICHARDO KILPATRICK, ESQ.
and Sewerage Department: (P35275)
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1 (Court in Session)

2 THE CLERK: All rise. This Court is now in session.
3 The Honorable Thomas J. Tucker is presiding. You may be
4 seated. The Court calls the case of the City of Detroit,
5 Michigan, case number 13-53846.

6 THE COURT: All right. Good afternoon. Let's have
7 entries of appearance for the record, please, starting with
8 counsel for the city.

9 MR. KILPATRICK: Good afternoon, Your Honor.
10 Richardo Kilpatrick appearing on behalf of the City of
11 Detroit, Detroit Water and Sewerage Departments specifically.

12 MR. SPICER: Kim Spicer, plaintiff works for water
13 and sewerage.

14 THE COURT: All right. Good afternoon to each of
15 you. This as you know is a further hearing that was scheduled
16 when we were last here regarding an objection to claim -- or
17 the claim of Mr. Spicer that was filed by the -- the city.
18 And that was on September 23.

19 I have reviewed the transcript of that hearing and the
20 discussion we had of that hearing as well as my notes to
21 remind myself the discussion that we had that day. Mr.
22 Kilpatrick, let me begin by asking you what the status of this
23 dispute is, please.

24 MR. KILPATRICK: I -- I think the matter is
25 resolved.

1 MR. SPICER: Your Honor, I -- I don't mean to hold
2 the Court up. And I apologize to you and the Court and to Mr.
3 Kilpatrick, but they did send me a letter and I didn't -- my
4 job is so demanding I didn't have time to read it and get the
5 understanding of it. But I took yesterday off and read it but
6 by that time it was too late to get it back to him. And I
7 would like to submit it to him and put an end to this for the
8 record.

9 THE COURT: Well, so I don't know what you received,
10 but you're saying that what the city made some sort of offer
11 to resolve the matter with you and that you have now agreed
12 you're going to accept that or what?

13 MR. KILPATRICK: That's correct, Your Honor. What
14 we did, we prepared a stipulation and order that provided that
15 Mr. Spicer's claim would be decided by a panel of three
16 arbitrators from the American Arbitration Association, an
17 employment arbitrator.

18 And we prepared a stipulation to that effect. With a
19 particular date for -- with a specific date for the
20 arbitration. That date has passed. We need to revise the
21 order to -- the stipulation and the order to provide for a
22 different date. But other than that again, it provides that
23 the claim will be liquidated through that process.

24 THE COURT: All right. So do you have the proposed
25 order handy that I can look at?

1 MR. KILPATRICK: I -- I do, but it has the old date
2 in it.

3 THE COURT: Sure.

4 MR. KILPATRICK: And -- but with that change --

5 THE COURT: Sure. If you don't have a spare copy, I
6 can get -- have one made for my reference.

7 MR. KILPATRICK: May I -- may I approach?

8 THE COURT: Sure. Is this an extra or do you need
9 this back or is it for me?

10 MR. KILPATRICK: You -- you can have that copy, Your
11 Honor. I'll --

12 THE COURT: Let me just take a second and -- and
13 read this. So this is what was sent to Mr. Spicer that he has
14 referred to as being received and he looked at yesterday, is
15 that -- is that --

16 MR. KILPATRICK: That's correct. Do you want -- do
17 you want me to show it to you, Mr. Spicer?

18 MR. SPICER: Yes, please.

19 THE COURT: All right. So you're handing me this
20 back. This is -- this is what you received, Mr. Spicer?

21 MR. SPICER: Yes, it is.

22 THE COURT: All right. And this is acceptable to
23 you other than the need to change the date?

24 MR. SPICER: Yes, sir.

25 THE COURT: All right. One second, let me review it

1 quickly. All right. So I've read this. Thank you. So Mr.
2 Kilpatrick, this stipulation and order said that the
3 resolution by binding arbitration would be conducted on or
4 before November 13, 2015. Do you have a new deadline in mind
5 that you want to put in there instead of that?

6 MR. KILPATRICK: They have a rolling date for the
7 arbitrations and I'll have to obtain the next available date
8 from the -- from the panel. I do -- I do not have a date at
9 the moment, but -- but it is -- there will be a rolling date.
10 I don't know what happens in December, that's the only wild
11 card.

12 THE COURT: Okay. This doesn't have a specific
13 date, it's just a deadline.

14 MR. KILPATRICK: Exactly.

15 THE COURT: So you don't know what -- what deadline
16 to set even yet.

17 MR. KILPATRICK: Well --

18 THE COURT: This says on or before -- it's an on or
19 before date.

20 MR. KILPATRICK: Can we put on or before December
21 10th?

22 THE COURT: That's fine with me.

23 MR. KILPATRICK: Is that -- is that acceptable?

24 THE COURT: Does that work for you, Mr. Spicer?

25 MR. SPICER: Yes, sir.

1 THE COURT: December 10, 2015 instead of November
2 13. So Mr. Kilpatrick and Mr. Spicer then Mr. Kilpatrick will
3 make the change -- that change in the date in the stipulation
4 and in the proposed order. And then he will -- actually
5 perhaps we can simply just mark up this document and you guys
6 can sign it right here and now so that you won't have to do
7 anything more with it. I can file the -- we can get the
8 stipulation filed and docketed. And then I can -- and then
9 I'll just ask Mr. Kilpatrick to submit the -- the proposed
10 order with the December 10 date in it. And I can get that
11 entered.

12 But before we do that, just explain to me the concept
13 here a bit if you would, please, Mr. Kilpatrick. The -- in
14 this stipulation both sides are reserving all of their
15 arguments about the merits and any defenses to Mr. Spicer's
16 claim.

17 MR. KILPATRICK: That's correct.

18 THE COURT: His claim and any defenses to it.

19 MR. KILPATRICK: That's correct, Your Honor.

20 THE COURT: Does that include the Title 7 statute of
21 limitations argument?

22 MR. KILPATRICK: Whatever -- whatever claims he may
23 have he can bring -- bring to the arbitrators.

24 THE COURT: All right. And so -- all right. Okay.

25 MR. KILPATRICK: What -- what I was attempting to

1 accomplish was to give him the most efficient and cost
2 effective manner of liquidating this claim without causing any
3 more inconvenience for Mr. Spicer or a delay for the -- for
4 the city.

5 THE COURT: All right. So Mr. Spicer, with this
6 change in date then are you agreeable to this resolution that
7 we've been talking about here?

8 MR. SPICER: Yes, sir.

9 THE COURT: All right. Let's do this. I will go
10 ahead and take this stipulation that you've handed me, I'll
11 mark -- I'll make the change by hand to the November 13th date,
12 change that to December 10, that's a weekday, isn't it? Yes,
13 it is.

14 MR. KILPATRICK: Yes.

15 THE COURT: Okay. I'll change that by hand and
16 initial it and then you guys can initial it and sign it and
17 hand it back to me. And then I'll get it filed in the case.
18 And then Mr. Kilpatrick, you'll just --

19 MR. KILPATRICK: Submit the order.

20 THE COURT: Please submit the order through the
21 normal process for submitting proposed orders and we'll get
22 that entered. One second.

23 MR. KILPATRICK: Thank you, Your Honor.

24 THE COURT: All right. Let me hand this back to you
25 and you can each take a look at it and see the changes I have

1 marked on it. I also added today's date by your signature
2 lines and crossed out where it said it was dated October 30th
3 or something just so we have today's date on that. So take a
4 look and if you're both satisfied with it, agree to it, sign
5 it and hand it back, please.

6 Now -- thank you. Mr. Spicer, and Mr. Kilpatrick, if you
7 would like I can get this file stamped now and then we can
8 give you each a file stamped copy of it showing the date of
9 filing. Mr. Spicer in particular, you would probably like to
10 have that.

11 MR. SPICER: Yes, sir.

12 THE COURT: Mr. -- Mr. Kilpatrick, if you want one
13 too, we'll give you one.

14 MR. KILPATRICK: Thank you. No, I'll wait, Your
15 Honor. Thank you.

16 THE COURT: Okay. So this is going to be a paper
17 filing.

18 THE CLERK: Okay.

19 THE COURT: So would you file stamp -- get this file
20 stamped?

21 THE CLERK: Okay.

22 THE COURT: And then make copies of the file stamped
23 -- it's a stipulation with an order attached. So the
24 stipulation is just being filed.

25 THE CLERK: Okay.

1 THE COURT: Get a -- so that we can give a file
2 stamped copy, one for Mr. Spicer, one for Mr. Kilpatrick.

3 THE CLERK: Okay.

4 THE COURT: Before they leave.

5 THE CLERK: Okay.

6 THE COURT: All right.

7 THE CLERK: I've got it.

8 THE COURT: Thank you. Okay. So we'll get that
9 done. So if you'll just hang out for just a couple minutes
10 we'll -- Ms. Jozwiak will come back out and give you those
11 file stamped copies. Is there anything else we need to talk
12 about today then on this case?

13 MR. KILPATRICK: No, Your Honor.

14 MR. SPICER: No, sir.

15 THE COURT: All right.

16 MR. KILPATRICK: And I do -- I do apologize for
17 being late. The traffic is horrible and the weather is not
18 nice out there.

19 THE COURT: It's horrible looking out, sure. I had
20 lots of traffic trouble myself and you're not the only
21 attorney that was late for a hearing today because of traffic.
22 So it's just a real fun time out there. All right. So if
23 you'll stand by just for a moment, we'll get you those copies
24 and then you can leave and we're done. So Mr. Spicer,

25 anything else from you today?

1 MR. SPICER: No, sir.

2 THE COURT: Okay. So thank you both. And good luck
3 to each of you. And stand by for your copy of the order. Mr.
4 Kilpatrick, please submit the order as soon as possible. I'll
5 waive presentment of it -- further presentment of it and we'll
6 get that entered.

7 MR. KILPATRICK: It will be submitted tomorrow
8 morning.

9 THE COURT: Okay, great.

10 MR. KILPATRICK: Thank you, Your Honor.

11 THE COURT: Thank you.

12 MR. SPICER: All right. Thank you, Your Honor.

13 THE CLERK: All rise. Court is adjourned.

14 (Court Adjourned at 4:54 p.m.)
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7 We certify that the foregoing is a correct transcript from the
8 electronic sound recording of the proceedings in the
9 above-entitled matter.
10

11 /s/Deborah L. Kremlick, CER-4872
12 Jamie Laskaska
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Dated: 11-22-15